

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)
)
Plaintiff,) No. 5:01-CR-00012
)
v.)
)
DONALD FELL)
)
Defendant.)

**MOTION TO SEAL DEFENSE MOTION FOR ORDER THAT
DONALD FELL APPEAR IN COURT AT PRETRIAL HEARINGS
AND DURING TRIAL WITHOUT SHACKLES OR VISIBLE
RESTRAINTS AND RELATED REQUEST FOR DISCLOSURE OF
ANY SHOWING OR EVIDENCE PRESENTED TO PERMIT SHACKLING**

DONALD FELL moves, through counsel, for an order from this Court sealing the above referenced motion that Donald Fell be ordered to appear in court at pretrial hearings and during trial without shackles or visible restraints and related request for disclosure of any showing or evidence presented to permit shackling.

This motion is based on Mr. Fell's Sixth Amendment right to a fair trial, and is made by the defense in an effort to ensure that discussion of any showing supporting shackling not be made public in advance of the re-trial of this case to avoid tainting the jury pool or the proceedings.

This motion is based on this statement of the motion, and on the appended and supporting memorandum of points and authorities which is incorporated here as though fully set forth below. It will also be based on any further argument and authorities as

may be presented to the Court at the time of any hearing on this motion.

Dated at San Francisco, California, this 4th day of May, 2015.

Dated: May 4, 2015

Respectfully Submitted,
MICHAEL N. BURT
KERRY B. DeWOLFE
JOHN T. PHILIPSBORN

By: /s/ John T. Philipsborn
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Counsel for DONALD FELL

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2015, I electronically filed with the Clerk of Court the following document(s):

MOTION TO SEAL DEFENSE MOTION FOR ORDER THAT DONALD FELL APPEAR IN COURT AT PRETRIAL HEARINGS AND DURING TRIAL WITHOUT SHACKLES OR VISIBLE RESTRAINTS AND RELATED REQUEST FOR DISCLOSURE OF ANY SHOWING OR EVIDENCE PRESENTED TO PERMIT SHACKLING

using the CM/ECF system. The CM/ECF system will provide service of such filing(s) via Notice of Electronic Filing (NEF) to the following NEF parties:

Julie B. Mosley, Esq., Justice Department
William B. Darrow, Esq., Assistant United States Attorney

I also caused to be served, by hand-delivery, the following non-NEF party:

Donald Fell
Register Number 05306-010
The Metropolitan Detention Center
P.O. Box 329002
Brooklyn, NY 11232

Dated at San Francisco, California, this 4th day of May, 2015.

/s/ Melissa Stern

Melissa Stern
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